

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

|          |   |      |               |
|----------|---|------|---------------|
| Case No. | CV 08-03918 AHM (AGR <sub>x</sub> )                 | Date | June 18, 2008 |
| Title    | DH POLY CO. v. UNITED FABRICARE SUPPLY INC., et al. |      |               |

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|--|--|--|----------|
| Present: The Honorable                       | A. HOWARD MATZ, U.S. DISTRICT JUDGE          |  |          |
| Stephen Montes                               | Not Reported                                 |  |          |
| Deputy Clerk                                 | Court Reporter / Recorder                    |  | Tape No. |
| Attorneys <b>NOT</b> Present for Plaintiffs: | Attorneys <b>NOT</b> Present for Defendants: |  |          |

**Proceedings:** IN CHAMBERS (No Proceedings Held)

On June 16, 2008, Plaintiff DH Poly Co. filed this action based on diversity jurisdiction under 28 U.S.C. § 1332. Compl. ¶ 1. The complaint alleges that Plaintiff is a business formed and located in South Korea. *Id.* ¶ 1, 3. The complaint also alleges that Defendant United Fabricare Supply Inc. is “a business formed in and with its principal place of business in California.” *Id.* ¶ 2.

A federal court must determine its own jurisdiction even if there is no objection to it. *Rains v. Criterion Systems, Inc.*, 80 F.3d 339 (9th Cir. 1996). Jurisdiction must be determined from the face of the complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A federal court has original jurisdiction over a civil matter “where the matter in controversy exceeds the sum or value of \$75,000, . . . and is between . . . citizens of different State.” 28 U.S.C. § 1332(a). A “corporation [is] deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. . .” *Id.* at 1332(c)(1).

In this case, Plaintiff alleges that it was formed and located in South Korea. Compl. ¶ 3. However, this assertion fails to identify Plaintiff’s state of incorporation and principal place of business, which are required to determine a corporation’s citizenship under 28 U.S.C. § 1332(a). Plaintiff’s allegation does not conclusively establish diversity jurisdiction.

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Accordingly, and good cause appearing therefor, the Court hereby **ORDERS** Plaintiff **TO SHOW CAUSE** on or before June 27, 2008, why this action should not be dismissed for lack of diversity jurisdiction.

Failure to respond on or before that date will be construed as consent to dismissal.

**IT IS SO ORDERED.**

Initials of Preparer

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